

**237th Meeting Contractors' Registration and Licensing Board May
13, 2009**

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:35 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Dave Caldwell and seconded by Mr. Steve Gianlorenzo.

(C) The minutes of the 236th meeting were approved on a motion by Mr. Arthur Salisbury seconded by Mr. Steve Gianlorenzo.

(D) Court Case Update: April / May

DEFENDANT: FINES: RESTITUTION: VICTIM:

Ogilvie	\$ 160.00	
Ziegelmayr		
Marr III	\$ 160.00	
Lamphere		
Rhynard	\$ 80.00	Silva
Boulanger	\$ 200.00	McCabe
Carson	\$ 300.00	Wilson
Sousa	\$1,000.00	

Matthews

Giordiano

\$ 1,000.00

Blais

TOTAL FINES and RESTITUTION: \$2,900.00

Contractors' Registration and Licensing Board: April / May 2009

Court Ordered Dispositions_____

DEFENDANT:

FINES:

RESTITUTION:

VICTIM:

**Tomaselli, Peter
Eugene**

\$19,325.00

Peterman,

**Emanuel, Norberto
Robert**

\$250.00VCIF

\$ 5,025.00

McDermott,

**Emanuel, Norberto
Michael**

\$250.00VCIF

\$ 7,550.00

Palmer,

**Emanuel, Norberto
Janice**

\$250.00VCIF

\$ 2,525.00

Mustone,

TOTAL FINES and RESTITUTION: \$750.00 (VCIF) \$24,425.00

Warrants Ordered for Failure to Appear in Court:

DEFENDANT:

REGISTRATION #

Richard Cady

21424

Gary Wilkinson

21021

Two (2) Appeals filed in Superior Court

(E) Consideration of Cases on Appeal and Oral Argument:

(1.) 12:40 PM, Claim #6885, Ross vs. JPAC Enterprises, Joseph Pacheco, registration number 29206, exceptions filed by the respondent.

Both parties were in attendance with the respondent presenting his case that he was not properly notified of the hearing and had moved from the address of record filed with the Board. When questioned he stated that he had moved on November 15th 2008 from that house and he had never received notice of the hearing. After much discussion and more questions from the Board members a motion was made by Mr. Ladouceur and seconded by Richard Welch and Steve Gianlorenzo to uphold the decision rendered by the hearing officer. The motion carried seven (7) to four (4) with J.L. Brillion, Robert Cardoza, Tom Furey, and Dave Caldwell voting in opposition.

**(2.) 1:00 PM, Claim # 6784, Osman vs. Rhode Island's Finest,
Michael Korsak, registration number 28283, exceptions
filed by**

the Respondent. The homeowner was not present but had informed the Board that a decision rendered by the hearing officer was sufficient. The Respondent represented by legal counsel presented their case that the Boards Dispute Resolution Process did not apply in this case because the structure was a commercial building with some residences in a zoned commercial area. The executive director informed the Board of the change in the law and that the subcommittee was currently reviewing mixed use structures to establish rules and regulations to reflect the changes recently made to the law. After much discussion and review of the case the Board determined on a motion by Felix Carlone and second by Edgar Ladouceur that this case was better suited for court. Motion carried with Robert Cardoza, Dave Caldwell, and Arthur Salisbury voting in opposition to the motion.

1:20 PM, Claim # 6821, Solomon vs. Silveira, E.M.S. Remodeling, registration number 22981, exceptions filed by the respondent. The respondent was not in attendance and the homeowner was happy with the decision rendered by the Commission. The Board on a motion by Felix Carlone and seconded by Edgar Ladouceur unanimously upheld the decision of the hearing officer.

- Matthew Carey and Julie Tamuleviz at the RI DLT Fraud Unit addressed the Board briefly regarding changes made to the Boards web site and Workers Compensation and how their unit is enforcing**

the laws.

- At the recommendation of the sub-committee that is reviewing the rules and regulation a motion was made by Felix Carlone and seconded by Edgar Ladouceur to eliminate the ten (10) year policy of expungement voted on last fall and wait until the revisions to the rules and regulations are made and adopted. Expungements will still be heard but on a case by case bases. Motion carried unanimously.

- Claim #6746, Fedun vs. RPM Improvements, Richard McGinity, registration number 30774, exceptions filed by the respondent. Discussed concerns that now that cases were consolidated the matter may be better for court, however Board felt hearing may be better unless resolution reached.

EXPUNGEMENTS:

- 1:40 PM, Robert Purdy, Rhode Island Pressure Washing,
Registration #27100: File # 6223, Insurance. The matter was heard by the

Board and on a motion by Felix Carlone, second by Mr. Ladouceur the Board,

unanimously voted to expunge the insurance violation.

- 1:45 PM, John Foster, Sun Tech

Registration #5482: Violation File # 1322 (1 & 2). Motion made by Ed Ladouceur

and seconded by Tom Furey to deny the Expungement for both violations. After

further discussion a vote was taken and Tom Furey, Robert Cardoza, Ed Ladouceur, and Arthur Salisbury voted to deny, motion failed to carry.

A new motion was made by Richard Welch to expunge record, seconded by

Dave Caldwell; this motion passed and the violations will be removed.

- 1:50 PM, Leroy Harris, L.J. Custom Builders, Registration #5369: Violation File #1151 (1) & Claim # 1859, Binkowski vs. Harris. Matter continued pursuant to the contractor's request.

- 2:00 PM, John Somyk, Seminole Development, Registration #17735, Claim # 3409, Racey vs. Somyk. Matter heard, motion by

Larry Brillon second by Ed Ladouceur to deny; carried unanimously.

- 2:10 PM, Leslie Onanian, Coro Construction Co. Inc., Registration #6453, Claim #854, Benetti vs. Onanian, and

Claim #6453, Mitchell vs. Onanian. Motion made by Felix Carlone and seconded

by J. Larry Brillon to expunge claim # 854, but not to expunge claim #6453.

Motion carried unanimously.

- 2:20 PM, Douglas Blaine, Blaine Construction Inc., Registration #21396, Violation #4635. This matter was tabled until

next month.

• 2:25 PM, Donald Enos, Don's Home Improvement Co.

Registration # 6313, Claim's: Claim # 347 Holden, Claim #522 Holden, Claim #695 Brown, Claim # 1112, Mercurio, Claim # 2149, Tverskoy, Claim # 2388, Martin, Claim # 2401, Digati, Claim #2885, Monti Jr.,

Claim # 2980, St Angelo, and Claim # 3020, Terra. Matter was heard by the

Board, a motion was made by Ed Ladouceur seconded by Steve Gianlorenzo, not to

expunge the claims of the registrant. Motion passed with Dave Caldwell, Robert

Cardoza and Felix Carlone voting in opposition.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 05/13/09

Registrations:

Number of Registered Contractors 12166

Number of Cards Surrendered 4674 Number of Cards Expired/Lapsed 14186 Number of Cards Invalidated 905

Number of Cards Suspended 441

Number of Cards Revoked 70

Registration Actions

4/08/09 -5/13/09

Number of New Registered Contractors	131
Number of Renewed Contractors	12035
Number of Cards Surrendered	57
Registrations Invalidated	44
Registrations Suspended	3
Registrations Revoked	2

Claims:

Administrative Appeals	9
Board Appeals	4
Address Trace	112
Awaiting Further Action	51

Court

486

Disposed	5636
Final Orders	49
Hearings	63
Out of State Services	40
Proposed Orders	64
Under Investigation	120
Total Claims Filed with the Board	6634

Number of New Claims	28
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4/08/2009-5/13/2009

Violations:

Action Against Registration	17
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Non-Registered Subcontractors	20
Advertising	5
Cancelled Insurance	1112
Notice of Hearing	4
Non-Registered Contractors	723

TOTAL RECORDS	1881
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Number of New Violations	108	4/08/2009-5/13/2009
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Lapsed Registrations/Never Re-Newed:

January 2009	94
February 2009	106
March 2009	107
April 2009	146

Month	# Tickets Issued
February	4
Fines	
\$3,500.00	
March	2
600.00	

Commercial Roofers: 4/08/2009

Number registered 135

Number surrendered 14

Number invalidated 30

Number suspended 0

Number revoked 0

Pending approval 0

Registration Actions; 4/08/2009-5/13/2009

Number of New Registered Contractors 0

Number of Renewed Roofer Contractors 135

Number of Cards Surrendered 0

Number of Expired/Lapsed 0

Registrations Invalidated 0

Registrations Suspended 0

Registrations Revoked 0

(F) Old Business:

(1) Review of Regulations: No changes made due to inability to have meetings.

(2) Article in Warwick Beacon on Felix and Ed being recognized for recipients of awards from the Attorney General.

(3) Restricted Receipt Account Letter, funds have yet to be put into restricted receipt

account as of date.

(H) New Business:

(1) Positions: Currently Status remains the same. Permission yet to be granted to post.

(2) Study Commission meeting held and issues discussed.

(3) Web Changes: Language is still being worked on by IT.

(4) Restricted Receipt Account funds still inability to spend due to fiscal crisis.

(5) Budget Article pending decision in finance committee.

(6) Legislation several bills have been presented and need to be addressed, due to lack of time matter was continued.

(7) Computer Software Program (DBR), matter still awaiting signature and is pending.

(8) NASCLA model legislation and brochures, to be reviewed by the Board if time permits at next meeting.

(9) Sting Operation, informed Board of staffs activities and television coverage.

(10) Lien Law Review, may be addressed by the Legislative Study Committee.

(11) Status Change to Commercial Roofing Concern, not enough time to review, tabled until next meeting.

(12) Insurance coverage on subcontractors, also tabled until next

meeting.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday

**June 10, at 12:30 PM Conference Room “A”,
2nd Floor, One
Capitol Hill;**

**(K) Adjournment: A motion was made by Robert Cardoza and
seconded by Paul Brunetti to
adjourn at 4:05 PM.**

**Members Present: F. Carlone, E. Ladouceur, D. Caldwell, T. Furey,
R. Welch, S. Carlino, JL Brillon, A. Salisbury, R.
Cardoza,
. P. Brunetti, and S. Gianlorenzo**

**Members Absent: B. Calcagni and E. Anderson both have
resigned from the Board and
positions are pending new appointments, R.
Caniglia and D. Gagnon.**

**Others Present: George Whalen (Executive Director), Special
Assistant Attorney General**

**Christine Hetherington (legal counsel),
stenographer, staff and parties for
appeals and motions.**

Respectfully Submitted,

**George W. Whalen
Executive Director
Rhode Island Contractors' Registration and Licensing Board**